ORAL ANSWERS TO QUESTIONS

LAW & ORDER

The Leader of the Opposition (Mr N. Bodha) (By Private Notice) asked the Prime Minister, Minister of Defence and Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether, in regard to the situation of law and order in the country, he will state:

(a) the figures as from July 2005 to date relating to assaults, rape and other sexual offences, larceny with violence, child prostitution and drug related offences;

(b) the figures as from 15 March 2006 to date relating to murder and manslaughter;

(c) the specific measures adopted to curb such cases, and

(d) any measures other than those already implemented and announced.

The Prime Minister: Mr Speaker, Sir, with regard to part (a) of the question, I am laying on the Table of the National Assembly a statement giving the information requested.

As regards part (b) of the question, I am informed by the Commissioner of Police that as from 15 March 2006 to date, 11 suspected cases of murder/manslaughter have been reported.

With regard to part (c) of the question, I wish to refer the hon. Member to the reply I gave to PQ No. B/269 on 18 April last. I had indicated then that Government was adopting the following measures –

(i) setting up of a National Criminal Intelligence Service to deal exclusively with intelligence relating to criminal matters;

(ii) installation of closed circuit television surveillance systems in commercial and high risk areas;
(iii) introduction of CC TV street surveillance system to cover the central parts of Port Louis;

(iv) a more targeted training to members of the Police Force to enhance their professional development;

(v) assistance sought from friendly countries such as UK, France, United States of America and India to assist in law enforcement and training of personnel.

(vi) a ‘Police du transport’ has been launched since 12 May 2006, and

(vii) surveillance and monitoring by the MCIT has also been stepped up in certain regions.

I have just enumerated these because the question says apart from others that have already been mentioned before otherwise the reply would be very long and hon. Members won’t have time to put supplementary questions.

I wish to inform the House that action has already been initiated to implement these measures. Besides, policing is also about putting the law abiding citizens first so that decisions are taken and services are designed with the involvement of the public to ensure that their needs as citizens are met. A citizen focused approach will improve public reassurance and confidence in Police and also increase satisfaction amongst those who will come into contact with the Police service, especially victims and witnesses. These are being achieved by -

(a) neighbourhood policing;
(b) effective engagement with the public;
(c) a real say for the public in how they are policed, and
(d) an organisational change to bring about increasingly responsible service feedbacks from the frontline staff and the public which is used to continuously improve them.

As regards part (d) of the question, a number of legislative measures have already been taken since last year. The Child Protection (Amendment) Act 2005 aimed at better protecting children; the Firearms Act aimed at better regulating the use of firearms. We are also shortly coming to Parliament with the Criminal Code (Miscellaneous Provisions) Bill aimed at stiffening penalties for various offences
including, in particular drug trafficking, gang rape and murder for which a maximum of 60 years penal servitude will be provided. We will also consider the offences for which no remission would be possible, but bearing in mind that there is a need also not to make the prisons unmanageable due to the frustration of inmates having no hope of an early release due to unavailability of remission. Legislation pertaining to compulsory taking of DNA samples from suspects for the better and more accurate detection of crime is also being prepared.

Mr Bodha: Mr Speaker, Sir, I thank the Prime Minister for the reply. May I just refer to the figures which have been presented by the Prime Minister. For serious larceny and violence: 2,894 cases, for drug related offences: 3,169 and for sexual offences under 16: 109 cases. The number, Mr Speaker, Sir, shows qu’il y a une recrudescence de violence sous toutes ses formes, but the gravity of it is the atrocity, the nature of the offences, the heinous nature of the crime that we are witnessing. May I ask the hon. Prime Minister what he intends to do to address this aspect of the problem?

The Prime Minister: First of all, let me tell the Leader of the Opposition that I always maintain – I am sure he also agrees – that law and order should not be a partisan issue. No Prime Minister, whoever it is, will want to have a breakdown of law and order except some very sick minds which exist in this country, who are wishing that there should be a breakdown of law and order. Generally the public and I am sure responsible Members of the Opposition would not wish so. Let me say also, Mr Speaker, Sir, that when you look at these figures, the pattern is still the same. I have the figures here from 2000 to 2005, if you see those three figures that the Leader of the Opposition has mentioned and you quote these to say that there has been an increase in the number of these serious crimes, if you look at serious larcenies with violence which figure is 2,894. In 2004, that figure was 3,117 and the figures for the other years is more or less around the same, slightly less or slightly more. For drug related offences, the figure this year is 3,169, the figure for 2003 was 3,361. Last year it was 3,115 and it goes on like this. It is more or less on the same pattern. For sexual offences under 16, this year it is 109; in 2004, it was 111 and in 2003 it was 115. Just to put things in their perspective that there is no increase as such, but as I have always said, one crime is a crime too many. So, we have to tackle those problems; not even one should be on that list. I agree on that issue. That is why I am saying that we are doing a few things at the same time.

In 1998 when I was Prime Minister, I made a speech at Grand’Baie, telling people what are the problems we have identified and what we think should be the solutions. At least, we are trying to address these problems. I must say that these
plans of reform are back again. They were put on a back burner for some reasons and some of the reforms were even reversed. Now we are going back to that and that is why I am asking the assistance of foreign friendly countries like India, France, UK and USA to help us re-organise the Police, look at the equipment that we need and give more training to our Police Force. For the Police to be able to do its work, it needs to earn the respect of the people of this country and they need to have accountability and also a customer friendly sort of training. We know there are problems in certain areas; in certain stations, for example, people complain about the way they have been treated by the Police. All this is being looked into. Apart from that, we are toughening the laws as I have mentioned. Many laws have to be toughened, unfortunately. I know that some people are of the view that the law should not be toughened, but I am not of that view, I think laws should be toughened.

**Mr Bodha:** Mr Speaker, Sir, relating to public confidence in the Police Force and the functioning of the Police Force, we know that les relations ne sont pas très bonnes entre le Premier ministre et le Commissaire de Police. Il y a eu des transferts abusifs, par exemple, à l’ADSU, il y a eu des bavures policières. For example, when there was the rape in Sebastopol, the Police people came there and asked the lady to rest instead of having her statement and helping her. May I ask the hon. Prime Minister whether the Commissioner of Police today has the authority and the trust he deserves to enforce law and order and to restore public confidence?

**The Prime Minister:** Mr Speaker, Sir, I just want to let the Leader of the Opposition know. I think he mentioned ‘Sebastopol’, in fact, it was ‘Bel Air’ as far as I remember. I must tell him, as I said last time to hon. Gunness who put the question, action has been taken against these suspected Policemen, who did not, in fact, do their duty immediately. Precisely, because of this, action was taken; similarly after what happened at Le Réduit, someone came with a 4 x 4 and went through without a bullet being fired! There is no justification for this. Everybody has to assume his responsibility.

As for the Commissioner of Police, I must say that I have very good relations with him; and I’ll remind the House that I am the one who actually appointed him, but he had to be in an acting capacity because Mr Feillafé had not completely retired, he had taken leave prior to retirement. That is the only reason. But I must say, I am emphasising with him that he must make sure that these reforms, that we want to do, do go through.
Mr Bodha: Mr Speaker, Sir, let me come to the issue of investigation and one of the units – the MCIT. There have been three damning reports against the MCIT and the gentleman who is at the Head of the MCIT. We have the report from the CCID, the one from the Judicial Inquiry and the one from the Commissioner of Human Rights. May I ask the hon. Prime Minister why this unit has not been disbanded and why the Head has not been taken to task?

The Prime Minister: Mr Speaker, Sir, I take it that the hon. Leader of the Opposition is making specific reference to Chief Inspector Raddhoa. I must say I have looked at the Human Rights Report, which is not a damning report. It does say that there is lacunae in the way things are being done. There are complaints. Don’t forget we have a Police Complaints Authority, which we are, in fact, revising as I said last time in Parliament to make sure that it is completely independent as it is even in the UK now. What we want also is to have results. I am not saying you should go and attack suspects in prisons and bully them or whatever. As the Leader of the Opposition knows, he is a barrister himself, evidence, which has not been properly secured, will fail in Court. We all know this and I know all the barristers here know sometimes this is the issue that has come. In fact since one or two cases, everybody is saying that there is Police brutality. Everybody has become a Saint suddenly. Everybody is saying: “Ah! There is Police brutality”. That is not the case and we must look at the results also. I must say in all fairness to Mr Radhooa that he does get results. In fact, I have got lots of letters and emails of people saying: “Please, do not listen to X, Y, Z because we want him to remain in our quarters”. In fact, everybody is asking that he should be in control of their region. Of course, we must balance the interests. As the hon. Leader of the Opposition knows, I am one of those who believe strongly in civil liberties and the rights of a suspect. Therefore, these things would have to be looked into.

Mr Bodha: Mr Speaker, Sir, there has been proof of foul play. I don’t agree at all with the Prime Minister, but let me address another issue, the bail issue – the Bail Act. We have had recently the judges from the Privy Council and we have had a certain number of decisions taken by the Courts and we are seeing situations which have raised social problems. I am going to take two examples, Mr Speaker, Sir, before asking the question. We have a self-confessed killer from Belle Vue, who said he killed his wife, who was released on bail. He is attending lectures at the University. You have serial rapists who have been freed and who are in the same locality as the victims. May I ask the Prime Minister whether the law is going to be amended and whether the Attorney General considers this as a matter of great urgency?
The Prime Minister: In fact, the Attorney General has said in the past, as far as I remember, that he considers this as a matter of urgency and we have to look into it. In fact, I must say to his credit, after the judgment, on the very next Cabinet meeting, which I think was on the same day or the next day, he immediately informed Cabinet and he took some stand because we were worried about this. As the hon. Leader of the Opposition knows, there was this judgment of the Privy
Council, and I think here there has been a misinterpretation personally. The Privy Council never said that we should not consider the other conditions of bail. Seriousness of the offence is one of the things that we should be considering, but not just the one. It has to do with the whole picture of the conditions to put bail. And I think that is what we need to ensure also, that this is not misinterpreted. I feel there is a misinterpretation of the judgment of the Privy Council.

Mr Dayal: Can I ask the hon. Prime Minister whether he will ask the Commissioner of Police to conduct an audit in the Police Force with a view to making maximum utilisation of Police officers?

The Prime Minister: This is, in fact, something that we are also looking into – the review of the Police Force. I must say to the hon. gentleman that we do not wish to start doing some changes until the arrival of this expert, which is imminent. After having talked to the French Minister of Interior, I have written to him to say that we need to have these persons to help in the reorganisation of the Police. I am looking also at previous people who had done reports on what the organisation of the Police should be - I have not asked them yet - but, maybe, I am going to ask them also to come back to look at this.

Mrs Jeewa-Dawreeawoo: M. le Premier ministre, êtes vous d’accord que la meilleure des lois seulement ne va pas résoudre le problème de la violence dans son ensemble et qu’il faudrait qu’il y ait réhabilitation de nos prisonniers en même temps? Parce que bien souvent, quand ces prisonniers sortent de la prison, ils récidivent. Si c’est oui, c’est pour quand la réhabilitation de nos prisonniers?

The Prime Minister: I must say, I agree totally with the first part of what the hon. Member has said – it is not just a question of the Police or the prison officers, of Members of Parliament. It is a question of the whole of society. We should not just shift all the blame on politicians or the Police. But also, for the rehabilitation, I must say personally that I find that there is a need for toughening of laws - I know some people don’t agree with this – while also, at the same time, looking at rehabilitation. Because what we want eventually is to have most of these people go back into society as good citizens of society. This is where rehabilitation has to be looked into. That is why I said when I answered the first part of the question about remission. If, in all cases, there is no remission at all, there is
unlikely to have peace in the prisons. Because the people feel they are going to be there for sixty years with no chance of coming out again, they are going to create havoc in the prisons. We have to look at the management of the prisons as well. In that respect, we are also looking at rehabilitation of the prisoners.

**Mr Dayal:** Can I again ask the hon. Prime Minister whether he will consider the advisability of appointing a High Powered Commission with a view to assessing, restructuring and reforming the Police Force and also looking into the conditions of service of Police officers?

**The Prime Minister:** I don’t want to appoint a High Powered Commission at this point because as I have said, we are getting people from abroad. We are looking at the reorganisation of the Police. I think the Leader of Opposition’s question was also about conditions of service in the Police, that is very important, Mr Speaker, Sir. I must say still now, not just in the past, there are some Police officers who feel that they are stuck where they are. There is no prospect. The prospect for their future, for their career development is not clear and not transparent. That is an issue we have to look at as well.

**Mrs Dookun-Luchoomun:** Mr Speaker, Sir, I would like to ask the hon. Prime Minister whether he does not consider that the stand that the Attorney-General sometimes takes, regarding issues such as the age of consent for sexual relationships, remission or the depenalisation of the use of cannabis, will send wrong signals to the population, making people believe that the society is becoming more and more permissible and everything is now accepted. I think that if we really want to remedy the situation, this should not be the case. Can I know from the hon. Prime Minister what he thinks about such issues?

**The Prime Minister:** I must say that the Attorney General is now Member of the Government. I don’t know what he has said in the past. I must tell you that there are debates in a lot of very developed countries, including Europe, America on certain of these issues that the hon. Member has just mentioned. As a Government we have said it many times, we are for the toughening of the laws.

**Mrs Jeewa-Daureeawoo:** Does the Prime Minister agree that pornographic through video clips and movies on cellphones are having an adverse impact on our youth and provoke an increase in sexual offences in Mauritius nowadays?

**The Prime Minister:** I agree. But I do not want to go into the details. There are limits; we are subject to the new technologies. It is very difficult, for example,
to prevent somebody from sending a pornographic film through the phone. What I hear - believe it or not – is that sometimes people themselves take pride in sending films. How can you control this?

Mrs Hanoomanjee: Will the Prime Minister say whether there are mechanisms which have been put in place to identify potential perpetrators of rape, murder and manslaughter?

The Prime Minister: It is difficult to find out potential perpetrators. We do not want people to start fingering people and say that that person is a potential perpetrator. I think we have to look at the record and whatever complaints there are. I must confess it is very difficult to look at potential perpetrators.

Mr Dowarkasing: Mr Speaker, Sir, the hon. Prime Minister would recall that, in February last, he referred to a report published by the United Nations stating that Mauritius is number one in the consumption of hard drugs, that is, heroin. Can I know what course of action does he intend to take, or he has initiated already, to do away with this perception or fact?

The Prime Minister: If I may remind the hon. Member that the perception was made when I was in the Opposition. As he said, there is a perception sometimes. But it is not so, in fact. I must say that we are not the number one country in the world. I do not know whether the former Prime Minister answered back to them to say that we are not the number one. I think everybody knows that we are not number one. Sometimes there are exaggerations also. If we look at what is happening in the world, we can still say that Mauritius is far from being the worst country in the world. I think we have to propagate that image. Because we are a small country, every case get publicised and known by everyone and, therefore, people think that this is the case. If the hon. Member looks at the figures that I have given, he will see that the pattern is still the same.

(Interruptions)

Mr Speaker: Order! Hon. Soodhun, do you have a point of order to raise? Or do you have anything to say?

(Interruptions)

If you have anything to say, you should stand up, because I do not hear you when you say it from a sitting position.
Mr Dayal: Can I ask the hon. Prime Minister to consider the advisability of requesting the Commissioner of Police to select well-built Police officers to do patrols? And can I ask him also whether he is satisfied with the patrol done by the Police, especially in high-risk areas?

The Prime Minister: As the hon. Member knows, I can give general policy directions to the Commissioner of Police according to the Constitution, but the control and the responsibility for determining the use of his Police Force rests solely with the Commissioner of Police. But I think it is a point that the Commissioner of Police must have noted, namely, that we need to have people who are able to deal with things.

Mr Bodha: I would like to come back to the issue of drugs, Mr Speaker, Sir. Is the Prime Minister aware that amongst those who have been given permits to operate in the fishing Port – one point of entry of drugs – there are two notorious drug traffickers?

The Prime Minister: In fact, this was brought to my attention, Mr Speaker, Sir. When I inquired, it was not the case. In fact, that case was brought to my attention.

Mr Bodha: Is the hon. Prime Minister also aware that, in some cases, at the Brown Sequard Hospital, some offenders are being granted the possibility of staying in the hospital in order to evade Courts’ trial?

The Prime Minister: I must ask for a clarification from the Leader of the Opposition. Is he saying, therefore, that the doctors are giving false medical certificates? If that is the case, then, the doctors have to take their responsibilities. This is a very serious offence. There is a risk of being struck off from the Medical Council. That is why doctors have to take their responsibilities. In fact, I will look into that matter.

Mrs Hanoomajee: Mr Speaker, Sir, when I said perpetual perpetrators, everybody laughed. But does not the hon. Prime Minister think that those qui ont été en prison, qui ont purgé une peine et qui sortent, they are perpetual perpetrators of assaults?
The Prime Minister: I agree with what the hon. Member is saying now. That is not what she said in the first instance. In the first instance, she said ‘potential’. If they are known perpetrators, then, of course, I agree with the hon. Member.

Mrs Martin: The hon. Prime Minister referred to asking help from friendly countries in order to increase the level of security, law and order in our country. I would like to know from him whether these requests have been translated into concrete measures or offers as yet.

The Prime Minister: In fact, we have made a detailed request and we have to wait. We need people to go back to this reform and training of the Police, including of having the equipment.

Mrs Hanoomajee: With regard to child prostitution, the Prime Minister mentioned tight legislative measures. Can I ask him what are the other measures that have been taken to prevent child prostitution?

The Prime Minister: A series of measures have been taken by the Minister of Women’s Rights and Child Development and there is also the aspect of education and sensitising people. As I said, apart from toughening the law, we are looking also - this is something which perhaps the hon. Member had in mind – about people who have in the past been found guilty of certain crimes, including this crime, to be able to be put on a separate list.

Mrs Jeewa-Daureewoo: Je voudrais demander au Premier ministre si le gouvernement a l’intention de revoir la définition de viol et, en même temps, définir le viol collectif?

The Prime Minister: Yes, that is the case. We want to toughen the law on rape, especially gang rape.

Mr Bodha: I will round up, Mr Speaker, Sir, with an incident which occurred in the Constituency of the Prime Minister in Triolet where there was somebody who was withdrawing cash money from an ATM and was assaulted and this led to an incident in Cité Mère Teresa. We know that serious incidents can lead to flaring up of law and order. What does the hon. Prime Minister intend to do to see to it that serious incidents do not, in fact, cause the flaring up and breakdown of law and order as has been the case in the past?
The Prime Minister: In fact, I shall reply later on to a question on security at banks, especially where people withdraw cash out of the ATM. We are, in fact, encouraging the banks concerned to have better protection at these places. This is one of the measures. This problem is not found only in Mauritius, but it happens in other countries also. I know, for example, in the UK they are putting also cash machines inside the banks. These machines, of course, would be operational when the banks are open. It diminishes the possibility of being assaulted when one is inside the bank.

The third thing that they are doing is putting surveillance cameras everywhere. That is something that I want to encourage the local banks to do.

Mr Bodha: The Prime Minister did not answer the question concerning serious incidents which later on can lead up to the flaring up of the situation as was the case in Cité Mère Teresa.

The Prime Minister: I thought I was answering the question. That is one incident which happened in my Constituency and I am well aware of it where somebody has taken the money and ran away. That person felt that he wanted to get his money back. The problem in this country is very often that a small incident – an incident, nevertheless – flares up into a situation with the dimension that we know. What measures can we take? People have to use their head, keep their head on their shoulders and not get involved into communal issues when, in fact, it is a question of theft. That is the plea I am making to the people: not to communalise, but everything is communalised in this country, unfortunately.

Mr Speaker: Time is over. The Table has been advised that Parliamentary Questions B/627 and B/633 addressed to Dr. the hon. Prime Minister will now be replied by the hon. Deputy Prime Minister, Minister of Tourism, Leisure & External Communications after PQ B/700, time permitting, of course. Questions addressed to the Prime Minister!

POLICE – POWERS OF ARREST

(No. B/626) Mr Y. Varma (First Member for Mahebourg and Plaine Magnien) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether he will, for the benefit of the House, obtain from the Commissioner
of Police, information as to whether in a number of cases, Police has been arresting people unreasonably and on unfounded allegations over the years and, if so –

(a) is he aware that prejudice has been caused to these people, and
(b) whether he will consider bringing about necessary amendments in our legislation to remedy the situation.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that since January 2000 to June 2005 six cases have been reported to the Police Complaints Investigation Bureau where persons have made allegations that they have been unreasonably arrested. However, as from July 2005, only one such case has been reported. All the cases have been investigated into. Five cases have been classified and two are still under inquiry.

As regards part (a) of the question, any person, as the hon. Member knows, who feels that prejudice has been caused to him or her, may seek redress in a court of law, including a claim for damages. Redress can also be sought from the National Human Rights Commission. A person unlawfully arrested and detained may also apply for a writ of habeas corpus to a Judge of the Supreme Court for the Judge to order his release (sections 185 to 190 of the Criminal Procedure Act).

Police has legal powers to effect arrests within a well defined legal framework supported by established procedures and guidelines. As the hon. Member knows, they can arrest with or without a warrant. I suppose the hon. Member is referring mainly to cases without a warrant, where they just go and arrest people.

As regards part (b) of the question, I have stated many times that I am very attached to civil liberties and consider that the fundamental rights of every person should be respected. The fundamental right to liberty is one of them, protection of reputation is another, protection of privacy is another. I also consider deprivation of personal liberty to be a very serious matter and I am sure many Members will agree with me. The time when somebody is arrested, that is the time where the personal freedom ends, it stops there and then. Therefore nobody should be arrested lightly, or on a mere allegation. There must be reasonable grounds and the law provides for it. There should be reasonable grounds for suspecting guilt for arrest.

In case there is an excessive use of powers of arrest or a violation of the fundamental rights – as I said there are legal restrictions imposed on the Police and there are also civil actions that can be taken, including a claim for damages. I have just listed the various things that you can do.
I have also requested the Commissioner of Police to ensure that members of the Police, in line with the human rights policies of Government, are made to realize the importance of liberty of the citizen, and ascertain that there must be reasonable grounds for effecting any arrest.

However, I must tell the hon. Member that I am prepared to look at the existing legislation in the review. We are looking at the review of fundamental rights generally, Mr Speaker, Sir. In that context, I am prepared to look at the existing legislation, with a view to reviewing if needs be.

Mr Varma: Mr Speaker, Sir, is the hon. Prime Minister aware that as the situation is now, once an allegation is levelled against a person, he is arrested, provisionally charged and then the inquiry is conducted?

The Prime Minister: I am told, unfortunately, that in some cases at least, that has been the case, and that is something that is quite unacceptable. That is why I have stressed to the Commissioner of Police that he must ensure that there must be reasonable grounds. You cannot just go and arrest on mere allegations. Very often, the person who makes an allegation will certainly not make an allegation against his friend, he will make an allegation against somebody he does not like. You cannot, on that kind of allegation, just go and arrest somebody. That is why I say, I am very attached to personal liberty. That is something that has to be relooked at.

Mr Ganoo: The solution, Mr Speaker, Sir, is for the Police officers to exercise restraint once an allegation is made against somebody. Could the Commissioner of Police use his good offices to see to it that the Police officers, in charge of the dossier, should exercise restraint whenever an allegation has been made against somebody before, as the hon. Member has said, arresting him and then provisionally charging him.

The Prime Minister: I have told that to the Ag. Commissioner of Police because the Commissioner of Police is not in Mauritius at this time. In fact, I have stressed on that importance that he cannot, just on a mere allegation, without any kind of investigation, no reasonable cause, go and arrest somebody.

Mr Ganoo: Mr Speaker, Sir, my question is about the Public Officers Protection Act. As the hon. Prime Minister should know - I am sure he knows - the law provides a prescription period to sue any public officer, including a Police officer. It was two years before and, now, I think, the period has been reduced to six
months. Can we think of the possibility of removing this prescription period altogether so that any member of the public can sue a public officer once he feels he is aggrieved against the decision of that officer so that there is no time bar?

**The Prime Minister:** I am not sure if you have no time bar at all, it will be a good thing because then somebody can sue, after twenty years somebody goes and tells something else. I think there should be a time bar but maybe we should review the length of the period.

**Mr Varma:** Mr Speaker, Sir, would the hon. Prime Minister also inform the Commissioner of Police that in cases of mere allegation, there is a special need for corroboration as well, not only reasonable grounds, but also corroboration?

**The Prime Minister:** Yes, when I meant to do some investigation, I meant also including that.

(PQ No. B/627 – see “Written Answers to Questions”)

**DRUG TRAFFICKING – LAW - AMENDMENT**

(No. B/628) Mrs F. Jeewa-Daureeawoo (Third Member for Stanley and Rose Hill) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether he will state if Government proposes to amend the law with a view to making provision for the offence of drug trafficking to be visited with imprisonment for a term not exceeding sixty years without remission.

**The Prime Minister:** Mr Speaker, Sir, in relation to the offence of drug dealing cum trafficker, under sections 30 and 41 of the Dangerous Drugs Act, the mandatory sentence of 45 years, which is actually the case, will be replaced by a maximum sentence of 60 years. The question of remission is going to be studied when this is being done.

Mr Speaker, Sir, I must say that Government is considering the introduction of legislation to amend the existing law in order to provide for the following –

(a) mandatory sentences, including life sentences, we have to look at whether we are going to replace them by maximum sentences so that the Court will, in all cases, retain its sentencing discretion and inflict sentence in the light of the specific circumstances of the case.
This is in line with the judgement of Khoyratty v State in which the Judicial Committee of the Privy Council reasserted the principle that “the power to determine responsibility for a crime and punishment for its commission is a function which belongs exclusively to the courts”. In that respect we are going to look at that because we have to look also what the Privy Council has done.

(b) Various offences under the Criminal Code and other laws will also be visited by stiffer penalties and the maximum penalty for the most serious offences will be a penal servitude for a term of 60 years such as, as I have said, gang rape and others.

Mr Varma: Mr Speaker, Sir, as regards the criminal case, is the Government envisaging to reintroduce the death penalty in certain cases?

The Prime Minister: We are not looking at that although there is an outcry, I must say. Sometimes when you look at this – as one hon. Member has just mentioned the heinous crime that has been perpetrated in the country - you wonder whether this is not something that we should debate at least, but, not at this point in time.

MR T.B. – DEATH – STATEMENTS TO POLICE BY MRS R.R.

(No. B/629) Mrs F. Labelle (Third Member for Vacoas and Floreal) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether he will, for the benefit of the House, obtain from the Commissioner of Police, information as to whether in the case of the death of T. B. which occurred on 14 May 2006, the suspect R. R. gave statements to the Police between 1994 and 2001 against T. B. and, if so, if an inquiry has been carried out thereinto.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that no complaint has been made by one Mrs R. R. against one Mr T.B. since the year 1994 to date, except for the incident, which occurred on 14 May 2006 and the Police inquiry is still under way.
PUBLIC OFFICERS - POSTING

(No. B/630) Mr S. Naidu (Third Member for Beau Bassin and Petite Rivière) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether, with a view to economizing on transport costs, he will consider the advisability of posting public officers closer to their place of residence.

The Prime Minister: Mr Speaker, Sir, I am informed that it has always been the practice to try to have public officers posted, as far as possible, as I said, near to their place of residence.

There is unfortunately a limit to the number of officers who may be posted in local offices out of the city centre, as most Government offices are concentrated in and around Port Louis.

However, as I stated in my reply to PQs B/85 and B/551, the Government is envisaging different options, including the eventual construction of a new administrative city, for the relocation of Government offices away from the Port Louis area. Then, it would be possible to look at the possibility of putting greater number of public officers closer to their place of residence.

FLACQ REGION - BANKS – CASES OF ATTACK

(No. B/631) Mr G. Gunness (Third Member for Montagne Blanche and GRSE) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of cases of attack on people withdrawing money from banks reported during the last six months to the Flacq Police Station and the other stations within the Flacq region, indicating the measures taken.

The Prime Minister: Mr Speaker, Sir, for the last six months, three cases of attack upon people withdrawing money from the banks have been reported to the Flacq Police Station and other stations within the Flacq region. For the period 2001 to date, fourteen such cases have been reported to the Police. With a view to keeping such crime at bay, Police vigilance has been increased. In this context, a 24-hour Police presence is provided near banks, but we can’t do it for all the banks at this point in time, but near the banks generally and other financial institutions. Moreover, Police Officers in plain clothing together with other CID officers are also
placed within the vicinity of these institutions to conduct surveillance and intelligence so as to locate and identify probable suspects.

I am informed by the Commissioner of Police that from time to time he does snap road blocks to try to help in that area, especially during night time.

Mr Speaker, Sir, fighting against such crime, as I said, does not only concern the Police. The service provider should also be involved. To this end, I am impressing upon the bank authorities and other financial institutions on the need for the installation of security equipment and reinforcing security measures on their premises.

I have also been informed by the Bank of Mauritius that Commercial Banks will be distributing a brochure to their customers, setting out security measures to be taken by them as well as adoption of an overall strategy for security by the banks to protect their customers at their premises.

**Mr Gunness:** Mr Speaker, Sir, I would like to ask the hon. Prime Minister - I do not know if he has the information - how many cases of attack on people withdrawing money over the counter, not from the ATM machine. It seems that these days, in the Flacq region, people who have been withdrawing money over the counter have been followed and attacked farther.

**The Prime Minister:** The question refers to cases of attack on people withdrawing money from the banks. I thought the hon. Member was mainly referring to cash from the ATM, but if he is saying over the counter, I will have to look into the matter and come back.

**Mr Gunness:** Can I know from the Prime Minister, out of the 14 cases that he mentioned, if there has been any arrest up to now?

**The Prime Minister:** I can go to the cases one by one, but it is going to be a long procedure, Mr Speaker, Sir. But I know that in most of them the inquiry is under way. In some cases, there have been arrests by the Police. I can give all the details later on.

**Mr Gunness:** I would like to ask another question to the hon. Prime Minister, but if he does not have the information, he can let me have it later on. I would like to ask the Prime Minister what are the amounts involved in each of the cases that he mentioned. It seems that huge sums are involved.
The Prime Minister: I think there is a limit, which you can withdraw from the ATM machine and it is otherwise over the counter. But this country is a unique country, there has been an attack in the vault of the Mauritius Commercial Bank and up today we do not know what amount has been lost. So, how will we know when there is a small amount?

Mr Jugnauth: Mr Speaker, Sir, we have heard from the Prime Minister that actually it is the Government that is sending Police officers patrolling as far the ATM machines are concerned. Banks are institutions that are making huge profits from customers' money. I would like to ask the hon. Prime Minister if it is not for the Government to come up with a legislation to protect the customers by asking the banks to provide certain security.

The Prime Minister: I totally agree with the hon. Member and that is why I said that the service provider should take its part of responsibility. The Police can patrol on the streets. The banks make plenty of money and they should provide their own security.

Mr Jugnauth: This is what I am telling the hon. Prime Minister that the banks are not providing such security. Is it not for the Government to come with a legislation to compel them to provide security for the customers?

The Prime Minister: There is in fact security in many banks. What I am saying is that the bank also should take responsibility including cameras and all these things.

Mr Jugnauth: After closing hours.

The Prime Minister: Some banks do provide security after closing hours, but sometimes they ask the Police for patrols and other things that we do.

Mr Dowarkasing: On the same issue, Mr Speaker, Sir, the Commissioner of Police was supposed to discuss this matter with the Mauritius Bankers Association. Is the hon. Prime Minister aware of the progress achieved in this discussion?

The Prime Minister: That is a question that I would have to ask the Commissioner of Police. I know that the Bank of Mauritius has been replying to him on certain issues that I mentioned earlier.
(No. B/632) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether he will, for the benefit of the House, obtain from the Mauritius Broadcasting Corporation, the following information in regard to cars purchased for the Chairperson and the Director General -

(a) date of purchase,
(b) type and make, and
(c) the price paid, indicating the amount of duty remitted, if any.

The Prime Minister: Mr Speaker, Sir, I am informed by the Mauritius Broadcasting Corporation that two new cars were purchased for use for the Chairman and Director General on 06 March 2006 and 10 April 2006.

The car for the Chairman was purchased with the approval of the Board at its meeting held on 09 February 2006 in view of the fact that the car that was being used by the Chairman had met with an accident and declared a total loss.

The other information requested is being circulated. (Appendix)

(PQ No. B/633 see 'Written Answers to Questions')

ADVISERS - SEPTEMBER 2000/JULY 2005 - NUMBER, SALARIES, ETC.

(No. B/634) Dr. R. Hawoldar (Second Member for La Caverne and Phoenix) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether, in regard to advisers employed by the previous Government during the period September 2000 to July 2005, he will state the total –

(a) number,
(b) amount paid in terms of salaries, allowances and gratuities,
(c) amount paid for telephone bills,
(d) the number of Government vehicles placed at their disposal, and  
(e) number of duty free cars purchased by them.

**The Prime Minister:** Mr Speaker, Sir, I am informed that the total number of Advisers recruited from September 2000 to July 2005 was 278.

With regard to part (b), the amounts paid in term of salaries, allowances, and gratuities stood at Rs324,557,449.

The total amount paid as telephone bills was Rs11,684,704.

As regards part (d), five Advisers had each been allocated a Government car from the pool. They were all attached to the former Prime Minister.

Regarding part (e), I am informed that 137 Advisers were granted duty free facilities during the period in question.

**Mr Gunness:** Mr Speaker, Sir, the Prime Minister gave precise information from 2000 to 2005. I would like to put a question about the number of advisers from August up to now …

*(Interruptions)*

**Mr Speaker:** I am sorry, hon. Gunness, this is not a question. The hon. Member can come with this question at another occasion.

**Mr Jugnauth:** Mr Speaker, Sir, there are different types of advisers. There are political advisers and, if I take, for instance, the Ministry of Health, all those doctors who come to work, are also known as advisers. I would like to know whether the Prime Minister is including all these advisers together in the answer he has given or is he talking only of political advisers?

**The Prime Minister:** I am hoping that I have taken all advisers on board otherwise I cannot see how it will be only 278. It might be even more. The hon. Member just gave the example of doctors. But, even, in the Prime Minister's Officer, there are some people who are not advisers, but they have to be termed advisers. This is something, perhaps, with the concern of the Opposition, we should relook at.
Mrs Perrier: Est-ce-que le Premier ministre peut confirmer à la Chambre si, entre 1996 et 2000, n'y avait-il pas 334, et même peut-être plus, d'advisers sous le gouvernement travailliste?

The Prime Minister: I doubt this, but I can look into it.

Mr Bundhoo: Mr Speaker, Sir, can I ask the Prime Minister to clarify something? If I understand correctly, he mentioned Rs380 m. Is it for a year or for two and a half year?

The Prime Minister: In fact, I said Rs324,557.449. The question was the period 2000 to 2005.

Mr Bundhoo: Secondly, Mr Speaker, Sir, can I ask the Prime Minister what was the number of advisers employed at the Prime Minister's Office over the period 2000/2005 and what was the amount of money paid to these advisers?

The Prime Minister: Unfortunately, I do not have the details, but I answered the question last week. I can say that for the Prime Minister it was 20 to 21 advisers compared to 15 to 16. I must tell the hon. Member that some of my advisers were also people who had been nominated by the previous Government that I have kept.

HOMOSEXUALITY - GOVERNMENT POLICY

(No. B/635) Mr A. Ganoo (First Member for Savanne and Black River) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether he will state Government policy in regard to homosexuality.

The Prime Minister: Mr Speaker, Sir, homosexuality is a highly sensitive issue which has aroused, as the hon. Member knows, a lot of controversy and passion in many countries around the world, not just here. There are a number of judicial developments that are taking place before the European Court of Human Rights in recognizing the sexual orientation of a person as a fundamental right. And some jurisdictions have gone as far as giving legal recognition to marriage between homosexuals.

My Government has kept an open mind on this issue. Only recently the Commissioner of Police granted permission to an organization for the holding of a
march in favour of homosexuality in Rose Hill. Furthermore, the Government is actively considering a proposal under the Equal Opportunity Act that there shall be no discrimination against a person on the ground of his or her sexual orientation.

Given the sensitivity of this issue, I think any future policy should be determined after extensive and wide consultations have been held.

Mr Ganoo: May I ask the hon. Prime Minister whether Government or, he, himself, has received representations from any organisation to grant legal recognition to marriages between same sex partners?

The Prime Minister: I am speaking offhand, but I know that some time back when I just assumed Office as Prime Minister, there was a request from a foreign country as to whether we would allow marriages between people of the same sex in this country. I must say that we did not encourage it, because I wanted it to be an issue that is dealt with the Mauritian public.

Mrs Perrier: Le gouvernement veut-il rendre légal le mariage entre homosexuels?

The Prime Minister: Mr Speaker, Sir, I have just answered that question.

(Interruptions)

Mr Speaker: Next question, hon. Mrs Virahsawmy!

ABERCROMBIE POLICE STATION – POLICE OFFICERS, VEHICLES, ETC.

(No. B/636) Mrs B. Virahsawmy (First Member for Port Louis North and Montagne Longue) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether he will, for the benefit of the House, obtain from the Commissioner of Police, information as to whether there are problems at the Abercrombie Police station due to shortage of Police officers and lack of vehicles and, if so, the remedial measures that will be taken.
The Prime Minister: Mr Speaker, Sir, I have indeed received representations to the effect that various problems exist in several Police stations, including Abercrombie.

The attention of the Commissioner of the Police has been drawn to these problems and to the need and urgency for immediate corrective actions. I will personally ensure that prompt and effective actions are taken to improve the situation in Police stations and make them more responsive to the community. But, I agree with the hon. Member that we have identified some problems, including at Abercrombie.

Mrs Virahsawmy: Mr Speaker, Sir, being given that Constituency No. 4 is known to be un quartier chaud, it would be nice to know if the hon. Prime Minister could liaise with the Commissioner of Police so that this area is reinforced immediately as some 15 cases are reported per day, regarding violence, larceny, attempt of larceny and many other violent cases?

The Prime Minister: I will tell the Commissioner of Police to do the needful.

Mr Jugnauth: Since this morning, the hon. Prime Minister has been saying that we need to have an efficient Police Force, yet there are shortages of Police officers, maybe not only at Abercrombie Police station, but at a number of other Police stations also.

May we know from the hon. Prime Minister, firstly, where the Police officers are since a number of Police officers have recently been recruited? Secondly, whether it is compatible with what the Government has said to the effect that there would be no recruitment in the Police Force for some years?

Can we know from the hon. Prime Minister what is his stand on that?

The Prime Minister: It is obviously a falsehood. Nobody has said that there would be no recruitment in the Police Force. Nobody! Ever! What has been said is that we have to look in the public service generally, but not the Police Force. The Police Force is something completely separate that we cannot do otherwise.

Last time, there was a campaign to the effect that we have stopped recruiting after I took Office, I think, as Prime Minister in 1996. It was a campaign that was based on a completely misunderstanding of the situation. I can go to length to
explain why this was done. I explained as to why this was done in my speech in Grand Baie in 1998. Because, according to information I got at that time from the Home Secretary…

(Interruptions)

Mr Shattock was not somebody I saw on the street and to whom I said: come and help us in Mauritius. It was done through the Home Secretary, who was Mr Jack Straw at that time. He gave us the name of that gentleman, who was highly qualified. When he came to have a look, and in view of the report that he made - I don’t want to give words to the report that he made to me personally - there was a need to stop immediately, because we needed to have a proper training programme. And that was what we did. And then, after the training programme that was put in place, recruitment had restarted again, as the hon. Member probably knows.

(Interruptions)

That is the case! We are recruiting, but we want to ensure that there is a proper training for the new recruits.

Mr Ganoo: Can the hon. Prime Minister tell us why he was not present when the last batch of recruits was issued their certificates?

(Interruptions)

It was rumoured that it was because they were recruited under the previous Government. Can the hon. Prime Minister clear this issue?

The Prime Minister: The Prime Minister has a lot of things to do, apart from going and standing in a parade and saluting Police officers…

(Interruptions)

It is not the first time that I have not gone. In the past, when I was Prime Minister, I did not see the need to go every time; from time to time, I did go.

Mr Ganoo: The hon. Prime Minister should have been there, if at all to boost up their morale!

The Prime Minister: Well, to boost up their morale, I’ll have a meeting with the top échelon in the Police Force and tell them what I expect them to do.
Mr Speaker: Questions addressed to hon. Ministers! The Table has been advised that PQ. Nos. B/641, B/653, B/666, B/667 and B/668 have been withdrawn. Next Question, hon. Varma!